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**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-00387-BK-1**

Case title: USA v. Mundendi

Date Filed: 04/22/2021

Date Terminated: 04/28/2021

Assigned to: Magistrate Judge
Renee Harris Toliver

Defendant (1)

Amos Mundendi

TERMINATED: 04/28/2021

represented by **Bret Martin**

Law Office of Bret Martin

PO Box 93565

Southlake, TX 76092

214-505-2168

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Rule 5 Documents

Disposition

Plaintiff

USA

represented by **Marcus J Busch–DOJ**
US Attorney's Office
1100 Commerce St
Suite 300
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214–659–8642
Fax: 214–659–8809
Email: marcus.busch@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: US Attorney's Office
Bar Status: Admitted/In Good Standing

Fabio Leonardi–DOJ
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ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Date Filed	#	Page	Docket Text
04/22/2021	<u>1</u>	4	Rule 5 Documents as to Amos Mundendi (1). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. (mcrd) (Entered: 04/22/2021)
04/23/2021	2	19	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Initial Appearance as to Amos Mundendi held on 4/23/2021. Date of Arrest: 4/23/2021. Location interval set to: LC. The judge issued the oral order required by Fed. R. Crim. P. 5(f)(1). Written order to follow. Attorney Appearances: AUSA – Marcus Busch; Defense – Bret Martin. (No exhibits) Time in Court – :05. (Court Reporter: Shawnie Archuleta) (Interpreter NA.) (USPO Wayne Poton.) (mcrd) (Entered: 04/23/2021)
04/23/2021	3	17	ELECTRONIC ORDER As to Amos Mundendi: by this order — issued to the prosecution and defense counsel — the court confirms the disclosure obligation of the prosecutor under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is in addition to the oral order entered by the court on the first scheduled court date when both the prosecutor and defense counsel were present. (Ordered by Magistrate Judge Renee Harris Toliver on 4/23/2021) (mcrd) (Entered: 04/23/2021)

04/23/2021	<u>4</u>	20	ORDER OF TEMPORARY DETENTION as to Amos Mundendi. Detention Hearing set for 4/26/2021 10:00 AM in US Courthouse, Courtroom 1306, 1100 Commerce St., Dallas, TX 75242–1310 before Magistrate Judge Renee Harris Toliver. (Ordered by Magistrate Judge Renee Harris Toliver on 4/23/2021) (mcrd) (Entered: 04/23/2021)
04/23/2021	<u>5</u>	21	NOTICE OF ATTORNEY APPEARANCE by Bret Martin appearing for Amos Mundendi (If sealed documents that you are authorized to see were previously filed by U.S. Pretrial Services or U.S. Probation, you will require assistance to gain access to them and any related filings. Please call the clerk at 214.753.2240 during business hours to request access.) (mcrd) (Entered: 04/24/2021)
04/23/2021	<u>6</u>	22	WAIVER of Rule 5 Hearings by Amos Mundendi. (mcrd) (Entered: 04/24/2021)
04/26/2021	7	23	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Detention Hearing not held on 4/26/2021 as to Amos Mundendi. Detention Hearing reset for 4/28/2021 01:00 PM in US Courthouse, Courtroom 1306, 1100 Commerce St., Dallas, TX 75242–1310 before Magistrate Judge Renee Harris Toliver. Attorney Appearances: AUSA – Fabio Leonardi; Defense – Bret Martin. (No exhibits) Time in Court – :03. (Court Reporter: Todd Anderson) (Interpreter NA.) (USPO Javier Lujan.) (mcrd) (Entered: 04/26/2021)
04/26/2021	<u>8</u>	25	MOTION for Detention filed by USA as to Amos Mundendi Attorney Fabio Leonardi–DOJ added to party USA(pty:pla) (Leonardi–DOJ, Fabio) (Entered: 04/26/2021)
04/28/2021	9	28	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Detention Hearing as to Amos Mundendi held on 4/28/2021. Location interval set to: LC. Attorney Appearances: AUSA – Fabio Leonardi; Defense – Bret Martin. (No exhibits) Time in Court – :10. (Court Reporter: Charyse Crawford) (Interpreter NA.) (USPO Eric Zarate.) (mcrd) (Entered: 04/28/2021)
04/28/2021	<u>12</u>	30	WAIVER of Rule 5 Hearings by Amos Mundendi. (mcrd) (Entered: 04/28/2021)
04/28/2021	<u>13</u>	31	Report of Proceedings under Rule 5(c)(3) and 5.1 as to Amos Mundendi. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to Southern District of New York. (Ordered by Magistrate Judge Renee Harris Toliver on 4/28/2021) (mcrd) (Entered: 04/28/2021)
04/28/2021	<u>14</u>	33	ORDER OF DETENTION as to Amos Mundendi. The Court finds probable cause to believe the defendant committed the offense(s) charged in the Criminal Complaint. The motion for detention is granted. (Ordered by Magistrate Judge Renee Harris Toliver on 4/28/2021) (mcrd) (Entered: 04/28/2021)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

APOCALYPSE BELLA,
a/k/a "Dias Yumba,"

MACKENZY TOUSSAINT,
a/k/a "Mack," and

AMOS MUNDENDI,
a/k/a "Mos,"
a/k/a "El Ashile Mundi,"

Defendants.

- - - - - X

SEALED INDICTMENT

21 Cr.

21 CRIM 247

COUNT ONE

(Conspiracy to Commit Major Fraud Against and
Defraud the United States)

The Grand Jury charges:

OVERVIEW OF FRAUDULENT SCHEME

1. From at least in or about March 2020 to the present, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, were involved in an extensive scheme to prepare and submit fraudulent applications to the Small Business Administration ("SBA") and to at least one company which processes PPP loan applications ("PPP Loan Company-1"), in order to obtain at least approximately \$14 million in government-guaranteed loans for various companies through the SBA's

Paycheck Protection Program ("PPP"), designed to provide financial relief to qualifying companies during the novel coronavirus/COVID-19 pandemic. This scheme resulted in the approval of fraudulently procured loans for two companies ("Company-1" and "Company-2"), both located in the Southern District of New York, totaling approximately \$4 million, and the distribution of the proceeds of these fraudulently obtained funds to a series of bank accounts located in the United States and elsewhere, including bank accounts controlled by TOUSSAINT and BELLA.

2. APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, devised and executed this fraudulent scheme by conspiring with individuals (the "Straw Applicants"), who own, operate or otherwise are affiliated with businesses (the "Straw Companies"), such as Company-1 and Company-2. BELLA, TOUSSAINT, MUNDENDI, and other co-conspirators supervised and coordinated the submission of fraudulent PPP loan applications for the Straw Companies, and in some cases, completed and/or submitted the fraudulent applications themselves.

3. The PPP loan applications for Company-1 and Company-2 ("Company-1 PPP Loan Application" and "Company-2 PPP Loan Application") were false, designed to maximize proceeds to the

fraud scheme. Specifically, applications for both Company-1 and Company-2 contained material differences from loan applications submitted for both companies for the Economic Injury Disaster Loan ("EIDL") program just months earlier. For instance, the Company-1 PPP Loan Application represented that Company-1 had over 100 employees. However, an earlier EIDL loan application for Company-1 dated on or about March 30, 2020, represented that Company-1 had only four employees. And the Company-2 PPP Loan Application was strikingly similar to that of Company-1, in terms of the number of employees and the size of its payroll, although a previously submitted EIDL loan application for Company-2 also claimed that Company-2 had many fewer employees. Moreover, the Company-1 and Company-2 PPP Loan Applications both contained false information about the number of employees, size of payroll, and other financial information relating to Company-1 and Company-2. These false representations appear to be designed to result in the procurement of PPP loans just shy of \$2 million for each company, the largest PPP loan that was allowed by PPP Loan Company-1 at the time that the Company-1 and Company-2 PPP Loan Applications were submitted.

4. In early July 2020, the PPP loan applications for both Company-1 and Company-2 were approved, resulting in the disbursement of nearly \$4 million total in fraudulently procured loans to the defendants.

5. Between July and August 2020, there were significant disbursements from the Company-1 Bank Account that did not appear to meet the requirements for the use of PPP funds, including large transfers of funds abroad, the movement of funds to an investment management company, and the payment of approximately \$729,550 in funds to a bank account which is controlled by APOCALYPSE BELLA, a/k/a "Dias Yumba," the defendant, and approximately \$138,000 to a bank account which is controlled by MACKENZY TOUSSAINT, a/k/a "Mack," the defendant.

6. Starting in or about February 2021, AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendant, began to facilitate the process of fraudulently applying for a second round of PPP loans, including for Company-1 and Company-2. This resulted in a second fraudulent PPP Loan Application being prepared and submitted in the name of Company-1 requesting an additional \$2 million in PPP funds. Those funds have not yet been disbursed.

Statutory Allegations

7. From at least in or about March 2020 to the present, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, together with others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed

together and with each other to commit an offense against the United States and to defraud the United States and an agency thereof, to wit, the SBA, in violation of Title 18, United States Code, Sections 1031 and 2.

8. It was a part and an object of the conspiracy that APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, together with others known and unknown, willfully and knowingly would and did execute and attempt to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, BELLA, TOUSSAINT, and MUNDENDI engaged in a scheme to obtain at least approximately \$14 million in Government-guaranteed loans for various companies, including Company-1 and Company-2, by means of false and fraudulent pretenses, representations, and documents, through the PPP of the SBA, designed to provide relief to small businesses during the novel coronavirus/COVID-19 pandemic.

9. It was a further part and an object of the conspiracy that APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, together with others known and unknown, willfully and knowingly would and did defraud the United States, and an agency thereof, to wit, BELLA, TOUSSAINT, and MUNDENDI engaged in a scheme to obtain at least approximately \$14 million in Government-guaranteed loans for various companies, including Company-1 and Company-2, by means of false and fraudulent pretenses, representations, and documents, through the SBA's Payment Protection Program.

Overt Acts

10. In furtherance of the conspiracy and to effect the illegal objects thereof, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. In or about July 2020, a co-conspirator not named herein ("CC-1"), who was located in the Southern District of New York and acts as an agent of both Company-1 and Company-2, caused a total of approximately \$729,550 in proceeds from fraudulently procured PPP loans to be transferred to a bank

account controlled by BELLA from a bank account located in the Southern District of New York.

b. In or about August 2020, CC-1, who was located in the Southern District of New York, caused a total of approximately \$138,000 in proceeds from fraudulently procured PPP loans to be transferred to an account controlled by TOUSSAINT from a bank account located in the Southern District of New York.

c. In or about February 2021 and March 2021, MUNDENDI communicated with CC-1, who was located in the Southern District of New York, and caused to be prepared a fraudulent PPP application for Company-2, which was transmitted to CC-1.

(Title 18, United States Code, Section 371).

COUNT TWO
(Major Fraud Against the United States)

The Grand Jury further charges:

11. The allegations set forth in paragraphs 1 to 6 are repeated and realleged, and incorporated by reference as if fully set forth herein.

12. From at least in or about March 2020 to the present, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, willfully and knowingly executed, and attempted to execute, a scheme and artifice with the intent to defraud the

United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, BELLA, TOUSSAINT, AND MUNDENDI engaged in a scheme to obtain at least approximately \$14 million in Government-guaranteed loans by means of false and fraudulent pretenses, representations, and documents, including for Company-1 and Company-2, through the PPP.

(Title 18, United States Code, Sections 1031 and 2.)

COUNT THREE
(Wire Fraud Conspiracy)

The Grand Jury further charges:

13. The allegations set forth in paragraphs 1 to 6 are repeated and realleged, and incorporated by reference as if fully set forth herein.

14. From at least in or about March 2020 through at least in or about May 2020, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and

agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

15. It was a part and an object of the conspiracy that APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, BELLA, TOUSSAINT, AND MUNDENDI engaged in a scheme to obtain at least approximately \$14 million in Government-guaranteed loans by means of false and fraudulent pretenses, representations, and documents, including Company-1 and Company-2, through the PPP, including the online submission of PPP loan applications transmitted from the Southern District of New York.

(Title 18, United States Code, Sections 1349 and 2.)

COUNT FOUR
(Wire Fraud)

The Grand Jury further charges:

16. The allegations set forth in paragraphs 1 to 6 are repeated and realleged, and incorporated by reference as if fully set forth herein.

17. From at least in or about March 2020 to the present, in the Southern District of New York and elsewhere, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, BELLA, TOUSSAINT, AND MUNDENDI engaged in a scheme to obtain at least approximately \$14 million in Government-guaranteed loans by means of false and fraudulent pretenses, representations, and documents, including for Company-1 and Company-2, through the PPP, for which fraudulent PPP loan applications were accessed online from the Southern District of New York.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATIONS

18. As the result of committing the offenses charged in Counts Three and Four of this Indictment, APOCALYPSE BELLA, a/k/a "Dias Yumba," MACKENZY TOUSSAINT, a/k/a "Mack," and AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile Mundi," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes, or is derived from, proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

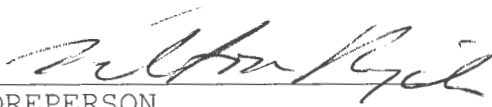
Substitute Assets Provision

19. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS *DMcL*
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

APOCALYPSE BELLA, a/k/a "Dias Yumba,"
MACKENZY TOUSSAINT, a/k/a "Mack," and
AMOS MUNDENDI, a/k/a "Mos," a/k/a "El Ashile
Mundi,"

Defendants.

SEALED INDICTMENT

21 Cr.

(18 U.S.C. §§ 371, 1031, 1343, 1349 and 2.)

AUDREY STRAUSS
United States Attorney

A TRUE BILL


Foreperson

Sealed Indictment
Arrest Warrants
filed before C.T.W. 4/14/21
RK

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Bret Martin (bretmartinatty@gmail.com), Marcus J Busch-DOJ (bcombs@usa.doj.gov, caseview.ecf@usdoj.gov, dwirtz@usa.doj.gov, lwright3@usa.doj.gov, marcus.busch@usdoj.gov, nleblanc@usa.doj.gov, usatxn.central.docketing@usdoj.gov), Magistrate Judge Renee Harris Toliver (ethan_glenn@txnd.uscourts.gov, judge_toliver_ecfdocs@txnd.uscourts.gov, lina_figari@txnd.uscourts.gov, mervin_wright@txnd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:13117659@txnd.uscourts.gov
Subject:Activity in Case 3:21-mj-00387-BK USA v. SEALED Rule 5(f)(1) Order
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Click here to see [Judge Specific Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 4/23/2021 at 1:01 PM CDT and filed on 4/23/2021

Case Name: USA v. SEALED
Case Number: 3:21-mj-00387-BK
Filer:
Document Number: 3(No document attached)

Docket Text:

ELECTRONIC ORDER As to Amos Mundendi: by this order -- issued to the prosecution and defense counsel -- the court confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law.

This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is in addition to the oral order entered by the court on the first scheduled court date when both the prosecutor and defense counsel were present. (Ordered by Magistrate Judge Renee Harris Toliver on 4/23/2021) (mcrd)

3:21-mj-00387-BK-1 Notice has been electronically mailed to:

Marcus J Busch-DOJ marcus.busch@usdoj.gov, BCombs@usa.doj.gov, CaseView.ECF@usdoj.gov, DWirtz@usa.doj.gov, LWright3@usa.doj.gov, NLeBlanc@usa.doj.gov, USATXN.Central.Docketing@usdoj.gov

Bret Martin bretmartinatty@gmail.com

3:21-mj-00387-BK-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Magistrate Judge Renee Harris Toliver (ethan_glenn@txnd.uscourts.gov, judge_toliver_ecfdocs@txnd.uscourts.gov, lina_figari@txnd.uscourts.gov, mervin_wright@txnd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:13117654@txnd.uscourts.gov
Subject:Activity in Case 21-387 Sealed v. Sealed (Redacted Notice)
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: Judges' Copy Requirements. Click here to see Judge Specific Requirements. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 4/23/2021 at 1:00 PM CDT and filed on 4/23/2021

Case Name: USA v. SEALED
Case Number: 3:21-mj-00387-BK *SEALED*
Filer:
Document Number: 2(No document attached)

Docket Text:

ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Initial Appearance as to Amos Mundendi held on 4/23/2021. Date of Arrest: 4/23/2021. Location interval set to: LC. The judge issued the oral order required by Fed. R. Crim. P. 5(f)(1). Written order to follow. Attorney Appearances: AUSA – Marcus Busch; Defense – Bret Martin. (No exhibits) Time in Court – :05. (Court Reporter: Shawnie Archuleta) (Interpreter NA.) (USPO Wayne Poton.) (mcrd)

3:21-mj-00387-BK *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

UNITED STATES DISTRICT COURT
FOR THE Northern District of Texas
Dallas

USA)
Plaintiff,)
)
v.) Case Number: 3:21-mj-00387-BK
)
Amos Mundendi)
Defendant.)

ORDER OF TEMPORARY COMMITMENT

On this date the defendant made an initial appearance after having been arrested in this district for an offense against the laws of the United States.

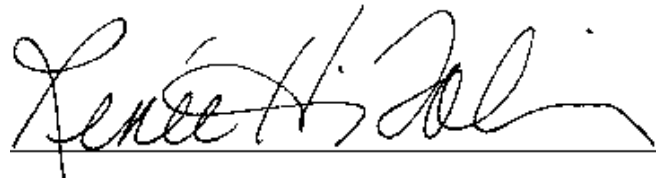
The government moved for a hearing to determine whether any condition or combination of conditions will reasonably assure the defendant's appearances and the safety of any other person and the community (18 U.S.C. § 3142(f), as amended P.L. 98-473, 98 Stat. 1873).

Counsel for the government moved for a continuance of such hearing. IT IS, THEREFORE, ORDERED that the hearing is to be held on 4/26/2021 at 10:00 AM before Magistrate Judge Renee Harris Toliver, unless extended for good cause.*

IT IS FURTHER ORDERED that the defendant is committed to the custody of the United States Marshal for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal, pending the above scheduled detention hearing.

A copy of this order shall be transmitted to counsel for the parties.

SIGNED 4/23/2021.



Renee Harris Toliver
Magistrate Judge

* A continuance on behalf of the government will be granted without a hearing only upon the written consent of the Defendant or his attorney. A continuance on behalf of the Defendant will be granted without a hearing upon the written request of the Defendant or his attorney. Continuances shall not exceed five work days from the original setting for the Detention Hearing.

UNITED STATES OF AMERICA

v.

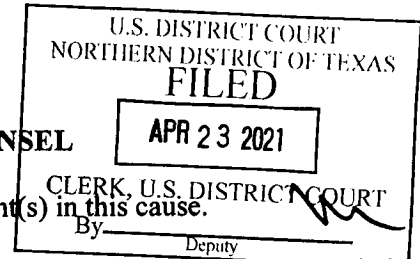
AMOS MUNDENDI (1)

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§
§
§
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Case No. 3:21-mj-00387-BK *SEALED*

ENTRY OF APPEARANCE OF COUNSEL

I wish to enter my appearance as **retained** counsel for the above-named defendant(s)



I understand that it is my duty to continue to represent the named defendant(s) in connection with all matters relating to this case, and in connection with all proceedings therein in this Court; to assist him with any appeal which he desires to perfect, and to represent him on appeal until a final judgment has been entered; unless and until, after written motion filed by me, I am relieved by Order of the Court.

In all cases an arraignment is scheduled promptly after the return or filing of an indictment or information, at which time the defendant must enter a plea. Your attention is directed to Rule 12, Federal Rules of Criminal Procedure, pertaining to pretrial motions.

DATED: 23RD day of APRIL, 2021

Signature of Attorney

BRET MARTIN FOR TODD SHAPIRO

Attorney Name (Please Print)

00794232

Attorney Bar Number

P.O. Box 93565

Street Address

SOUTH LAKE TX 76092

City, State, Zip

BRETMARTINATY@GMAIL.COM

E-mail Address

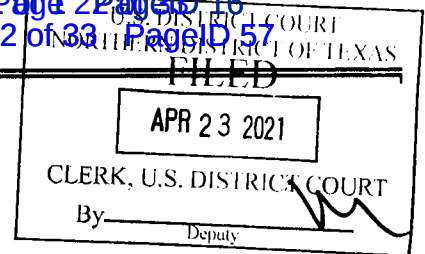
214.505.2168

Telephone Number (including area code)

603.916.9652

Fax Number

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

§ Case No. 3:21-mj-00387-BK *SEALED*

v.

§

AMOS MUNDENDI (1)

§

Charging District's Case No. 21CRIM247

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the Southern District of New York.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 23rd day of April, 2021

AMOS MUNDENDI
Defendant's Signature
BRET MARTIN GR TODD SHARL
Signature of defendant's attorney
Printed name of defendant's attorney

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Marcus J Busch-DOJ (bcombs@usa.doj.gov, caseview.ecf@usdoj.gov, dwirtz@usa.doj.gov, lwright3@usa.doj.gov, marcus.busch@usdoj.gov, nleblanc@usa.doj.gov, usatxn.central.docketing@usdoj.gov), Bret Martin (bretmartinatty@gmail.com), Magistrate Judge Renee Harris Toliver (ethan_glenn@txnd.uscourts.gov, judge_toliver_ecfdocs@txnd.uscourts.gov, lina_figari@txnd.uscourts.gov, mervin_wright@txnd.uscourts.gov)
--Non Case Participants: Probation Office (txnp_edocs-pro@txnp.uscourts.gov), U.S. Marshals Office (usms-txn-courtndocket@usdoj.gov, usms-txn-courtndocket@usdoj.gov)
--No Notice Sent:

Message-Id:13120941@txnd.uscourts.gov
Subject:Activity in Case 3:21-mj-00387-BK USA v. Mundendi Hearing Not Held
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: Judges' Copy Requirements. Click here to see Judge Specific Requirements. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 4/26/2021 at 12:51 PM CDT and filed on 4/26/2021

Case Name: USA v. Mundendi
Case Number: 3:21-mj-00387-BK
Filer:
Document Number: 7(No document attached)

Docket Text:

ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Detention Hearing not held on 4/26/2021 as to Amos Mundendi. Detention Hearing reset for 4/28/2021 01:00 PM in US Courthouse, Courtroom 1306, 1100 Commerce St., Dallas, TX 75242-1310 before Magistrate Judge Renee Harris Toliver. Attorney Appearances: AUSA – Fabio Leonardi; Defense – Bret Martin. (No exhibits) Time in Court – :03. (Court Reporter: Todd Anderson) (Interpreter NA.) (USPO Javier Lujan.) (mcrd)

3:21-mj-00387-BK-1 Notice has been electronically mailed to:

Marcus J Busch-DOJ marcus.busch@usdoj.gov, BCombs@usa.doj.gov, CaseView.ECF@usdoj.gov, DWirtz@usa.doj.gov, LWright3@usa.doj.gov, NLeBlanc@usa.doj.gov, USATXN.Central.Docketing@usdoj.gov

Bret Martin bretmartinatty@gmail.com

3:21-mj-00387-BK-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

AMOS MUNDENDI

CRIMINAL NO. 3:21-MJ-387-BK

MOTION FOR DETENTION

The United States moves for pretrial detention of defendant, **Amos Mundendi**, pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

_____ Crime of violence (18 U.S.C. § 3156);

_____ Maximum sentence life imprisonment or death

_____ 10 + year drug offense

_____ Felony, with two prior convictions in above categories

 X Serious risk defendant will flee

_____ Serious risk obstruction of justice

_____ Felony involving a minor victim

_____ Felony involving a firearm, destructive device, or any other dangerous weapon

_____ Felony involving a failure to register (18 U.S.C. § 2250)

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

 X Defendant's appearance as required

 Safety of any other person and the community

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against defendant because (check one or both):

 Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c)

 Probable cause to believe defendant committed a federal crime of terrorism, 18 U.S.C. § 2332b(g)(5)

 Probable cause to believe defendant committed an offense involving a minor, 18 U.S.C. §§ 1201, 2422

 Previous conviction for "eligible" offense committed while on pretrial bond.

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing,

 X At first appearance

 After continuance of 3 days.

DATED this 26th day of April 2021.

Respectfully submitted,

PRERAK SHAH
ACTING UNITED STATES ATTORNEY

/s/ Fabio Leonardi

FABIO LEONARDI
Assistant United States Attorney
New York Bar No. 4902938
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8815
Facsimile: 214-659-8809
Email: fabio.leonardi@usdoj.gov

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Marcus J Busch-DOJ (bcombs@usa.doj.gov, caseview.ecf@usdoj.gov, dwirtz@usa.doj.gov, lwright3@usa.doj.gov, marcus.busch@usdoj.gov, nleblanc@usa.doj.gov, usatxn.central.docketing@usdoj.gov), Fabio Leonardi-DOJ (caseview.ecf@usdoj.gov, fabio.leonardi@usdoj.gov, lauren.wright@usdoj.gov, nicole.leblanc@usdoj.gov, usatxn.central.docketing@usdoj.gov), Bret Martin (bretmartinatty@gmail.com), Magistrate Judge Renee Harris Toliver (ethan_glenn@txnd.uscourts.gov, judge_toliver_ecfdocs@txnd.uscourts.gov, lina_figari@txnd.uscourts.gov, mervin_wright@txnd.uscourts.gov)
--Non Case Participants: Probation Office (txnp_edocs-pro@txnp.uscourts.gov)
--No Notice Sent:

Message-Id:13128836@txnd.uscourts.gov
Subject:Activity in Case 3:21-mj-00387-BK USA v. Mundendi Detention Hearing
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: Judges' Copy Requirements. Click here to see Judge Specific Requirements. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 4/28/2021 at 4:57 PM CDT and filed on 4/28/2021

Case Name: USA v. Mundendi

Case Number: 3:21-mj-00387-BK

Filer:

Document Number: 9(No document attached)

Docket Text:

ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Renee Harris Toliver: Detention Hearing as to Amos Mundendi held on 4/28/2021. Location interval set to: LC. Attorney Appearances: AUSA – Fabio Leonardi; Defense – Bret Martin. (No exhibits) Time in Court – :10. (Court Reporter: Charyse Crawford) (Interpreter NA.) (USPO Eric Zarate.) (mcrd)

3:21-mj-00387-BK-1 Notice has been electronically mailed to:

Marcus J Busch-DOJ marcus.busch@usdoj.gov, BCombs@usa.doj.gov, CaseView.ECF@usdoj.gov, DWirtz@usa.doj.gov, LWright3@usa.doj.gov, NLeBlanc@usa.doj.gov, USATXN.Central.Docketing@usdoj.gov

Bret Martin bretmartinatty@gmail.com

Fabio Leonardi-DOJ fabio.leonardi@usdoj.gov, CaseView.ECF@usdoj.gov, Lauren.Wright@usdoj.gov, Nicole.LeBlanc@usdoj.gov, USATXN.Central.Docketing@usdoj.gov

3:21-mj-00387-BK-1 The CM/ECF system has NOT delivered notice electronically to the names listed below. The clerk's office will only serve notice of court Orders and Judgments by mail as required by the federal rules.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED
APR 28 2021
CLERK, U.S. DISTRICT COURT
By _____ Deputy

UNITED STATES OF AMERICA § Case No. 3:21-mj-00387-BK
v. §
AMOS MUNDENDI (1) § Charging District's Case No.

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the Southern District of New York.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
☐ a preliminary hearing.

☒ a detention hearing.

☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 28th day of April, 2021

[Signature]
Defendant's Signature
[Signature]
Signature of defendant's attorney
BRET MARTIN
Printed name of defendant's attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

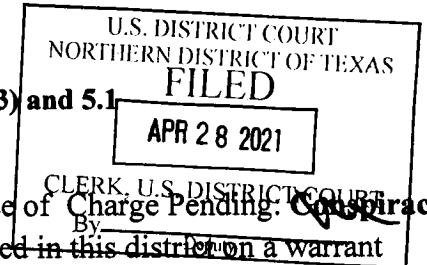
UNITED STATES OF AMERICA

v.

AMOS MUNDENDI (1)

§ Case No. 3:21-mj-00387-BK *SEALED*
§ Other Dist. Docket No. 21CRIM247
§ Charge Pending: Conspiracy to Commit
§ Major Fraud and Defraud the United States
§ Southern District of New York

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**



The defendant is charged in the above-referenced district with the offense of **Charge Pending: Conspiracy to Commit Major Fraud and Defraud the United States**. Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

- ☐ Defendant waived the requirement that a copy of the warrant be produced.
- ☒ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
 - ☒ The defendant waived identity hearing.
 - ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

Rule 5.1: Preliminary Hearing

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
 - ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

A hearing was scheduled on the Court's motion based on serious risk of flight. Subsequently,

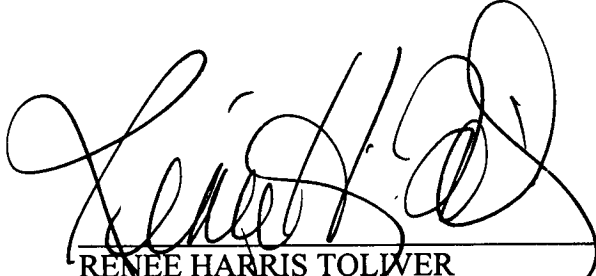
- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☒ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ The defendant should be detained.
 - ☐ The defendant should be released on bond.

TO: UNITED STATES MARSHAL

- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

DATE:

4/28/2021



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Texas
Dallas**

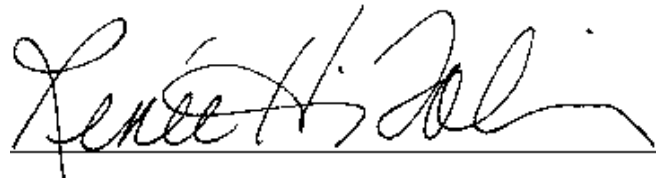
USA)	
)	
Plaintiff,)	
)	
v.)	Case Number: 3:21-mj-00387-BK
)	
Amos Mundendi)	
Defendant.)	

DETENTION ORDER

After consultation with counsel, the defendant knowingly and voluntarily waived the right to a hearing on the motion for detention at this time, subject to any reservation of rights on the waiver form. The defendant also knowingly and voluntarily waived the right to a preliminary hearing pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure. Accordingly, the Court finds probable cause to believe the defendant committed the offense(s) charged in the Criminal Complaint. Furthermore, the government's motion for detention is GRANTED.

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of a United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States Marshal for a court appearance.

SO ORDERED ON 4/28/2021.



Renee Harris Toliver
Magistrate Judge